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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,154

07/14/2003

James Patrick Griffin JR.

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12/16/2009

BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.

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CANADA

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

12/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/619,154	Applicant(s) GRIFFIN, JAMES PATRICK	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-46, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-46, 48 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawing correction filed December 6, 2006 has been approved.

Claim Rejections - 35 USC § 112

Claims 40-46, 48 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a locking member" on line 8 of claim 40 render the claims indefinite because it is unclear whether or not the applicant is referring to the locking member set forth above. Recitations such as "at least one lock set having a locking member" on line 26 of claim 40 render the claims indefinite because it is unclear whether or not the applicant is referring to the at least one lock set having a locking member set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton (US 3271919) in view of British Patent Application No. 2 265 664 and Blankenship (US 4858384). Olton discloses a security combination for a doorway comprising:

a door D sized and shaped to fit within a door frame, the door having a front surface 11, a rear surface 12, a top surface (not numbered, but shown in figure 1), a bottom surface (not numbered, but shown in figure 1), a free vertical edge portion (not numbered, but shown in figure 1), and a hinged vertical edge portion (not numbered, but shown in figure 1), the free vertical edge portion comprising at least one lockset (not numbered, but shown in figure 1) having a portion (not numbered, but comprising the handle) protruding through the front surface of the door and having a locking member (not numbered, but comprising the latch as shown in figure 1),

a first U-shaped reinforcing member 14a (see figure 9) consisting of a base 17a member and two substantially perpendicularly positioned side members 15, 16, the first U-shaped reinforcing member capable of being securely affixed to the free vertical edge portion of the door, said first U-shaped reinforcing member being made of a metal material (see column 5, lines 26-30), extending substantially along the full length of the free vertical edge portion of the door, the base member having at least one opening (not numbered, but shown in figure 1) for passage of the locking member from the at least one lockset having a locking member, each of the side members being flat and generally rectangular and extending substantially along the free vertical edge portion of the door and having a proximal edge connected to the base member and a distal edge wherein the distal edge of each of the side members does not extend in a horizontal direction from the free vertical edge portion towards the hinged vertical edge portion beyond any part of the portion of the lockset protruding through the front surface of the door as shown in figure 1, and

wherein the first U-shaped reinforcing member is over-bend mounted to the free vertical edge portion of the door (see column 5, lines 54-74) so that the first U-shaped reinforcing member engages the free vertical edge portion of the door without being screwed to the door, wherein force applied against the front or rear surface of the door will be transmitted through the locking member to the door frame. The first reinforcing member is comprised of stainless steel as set forth in column 5, lines 34-36 (claims 43 and 44). Olton is silent concerning a door frame and a second reinforcing member.

However, British Patent Application No. 2 265 664 discloses a security combination comprising a door frame (not numbered, but shown in figure 5) having at least one opening (not numbered, but shown in figure 4) to receive a locking member 21 and a second reinforcing member 10 capable of being securely affixed to the door frame, said second reinforcing member having at least one opening 15 for passage of the locking member 21 from at least one lockset having a locking member. The at least one lockset is a deadbolt locking set and the locking member 21 is a deadbolt (claim 41). The at least one lockset further comprises a door latch set and the locking member is a door latch (not numbered, but shown attached to the handle in figure 4) (claim 42). The second reinforcing member is comprised of steel as set forth line 33 of page 8 to line 1 of page 9 (claims 43 and 44).

It would have been obvious to one of ordinary skill in the art to provide Olton with a door frame, second member and lockset, as taught by British Patent Application No. 2 265 664, to increase the security of the door system.

Finally, Blankenship discloses a second reinforcing member 10 capable of being securely affixed to a door frame, the second reinforcing member having a length of from about 12 inches to substantially the full length of the free vertical edge portion of the door. See column 3, lines 32-38.

It would have been obvious to one of ordinary skill in the art to provide the second reinforcing member with a length from about 12 inches to substantially the full length of the free vertical edge portion of the door, as taught by Blankenship, to increase the security of the door system.

Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 and Blankenship as applied to claims 40-44 above, and further in view of Stein (US 5475044). Stein discloses a silicon adhesive.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with an adhesive, as taught by Stein, to more securely attach the reinforcing members to the door assembly.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 and Blankenship as applied to claims 40-44 above, and further in view of Francis (US 4865370). Francis discloses a second reinforcing member 60 having a tubular member 66 to receive a locking member.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with a tubular member, as taught by Francis, to further increase the strength of the security system.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 and Blankenship as applied to claims 40-44 above, and further in view of Zarzycki (US 6406076). Zarzycki discloses a metal door 202.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with a metal door, as taught by Zarzycki, to increase the strength of the door and therefore the strength of the security door assembly.

Response to Arguments

Applicant's arguments filed October 14, 2009 have been fully considered but they are not persuasive.

Regarding the applicant's comments concerning Olton, the examiner respectfully disagrees. The applicant argues that Olton fails to disclose a reinforcing member that consists of a base member and side members. This is not persuasive because the flanges of Olton are part of the side members. Thus, the reinforcing member 14a of Olton only comprises a base member 17a and two side members 15 and 16. This analysis comports with what the applicant has disclosed as his invention. Note that the base member 24 of the applicant's reinforcing member includes the dead bolt guard 38

in figure 4. So, just like the applicant's base member 24 includes a dead bolt guard, the two side members 15 and 16 of Olton include flanges 20 and 21.

Next, the applicant argues that the examiner has failed to establish a *prima facie* case to combine the references of record because the invention of Olton is not a security system. This is not persuasive because the U-shaped member 14a of Olton clearly reinforces the edge of the door D since it protects the door from being damaged. Moreover, Olton discloses substantially the same U-shaped structure as that disclosed by the applicant. It is unclear how the applicant's U-shaped member is a reinforcement member and the U-shaped member of Olton is not since they have substantially similar structure.

The applicant then argues that one of ordinary skill in the art would not have been motivated to combine the teachings of Olton and British Patent Application No. 2 265 664. This is not persuasive because, as set forth in the rejection above, one of ordinary skill in the art would be motivated to provide Olton with a second reinforcement member of British Patent Application No. 2 265 664 to increase the strength of the door system of Olton. The applicant's arguments to the contrary misconstrue the examiner's rationale. The rejection above does not require one of ordinary skill in the art to reject the reinforcing member of British Patent Application No. 2 265 664 or require that the reinforcing member of British Patent Application No. 2 265 664 be replaced with the reinforcing member of Olton. Rather, one of ordinary skill in the art would provide the first reinforcing member of Olton with the teaching of the second reinforcing member of British Patent Application No. 2 265 664. Such a modification would clearly increase

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the strength of the reinforcing system of Olton without destroying the teachings of Olton or British Patent Application No. 2 265 664.

The applicant's arguments concerning design choice are moot in view of the new grounds of rejection. Blankenship clearly discloses that the length of the protector strip is a result effective variable.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634